

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK**

**NOTICE REGARDING PRIVACY AND PUBLIC ACCESS
TO ELECTRONIC CIVIL AND CRIMINAL CASE FILES**

Effective *January 1, 2004*, the Office of the Clerk will accept electronically-filed documents and will make the content of those documents available on the Court's Internet webpage via PACER (Public Access to Court Electronic Records). Any subscriber to PACER will be able to read, download, store and print the full contents of the electronically-filed documents. The Clerk's Office is not posting documents sealed or otherwise restricted by court order (*See also General Order #22*).

You should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via PACER. If sensitive information must be included, the following personal identifiers must be partially redacted from the document, whether it is filed traditionally or electronically:

- ✓ Social Security Numbers. If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- ✓ Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- ✓ Dates of Birth. If an individual's date of birth must be included in a document, only the year should be used.
- ✓ Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- ✓ Home Addresses. If home addresses must be used, use only the City and State.

In compliance with the E-Government Act, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. The Court shall retain this document as part of the record. The Court may, however, still require the party to file a redacted copy for the electronic¹ public file.

In addition, exercise caution when filing documents that contain the following:

- ◆ personal identifying number, such as a driver's license number
- ◆ medical records, treatment and diagnosis
- ◆ employment history
- ◆ individual financial information
- ◆ proprietary or trade secret information
- ◆ information regarding an individual's cooperation with the government

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made. It is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. The Clerk will not review each document for compliance with this rule. (*See also NDNY Local Civil Rule 8.1 and Criminal Rule 12.1(g)*)

¹Please note that transcripts of the administrative record in social security proceedings and state court records relating to habeas corpus petitions are exempt from this requirement and shall not be made available in electronic format.